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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,547	05/16/2001	Ryoichi Sato	914-129	9740
23117	7590	12/07/2004	EXAMINER	
NIXON & VANDERHYE, PC 1100 N GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201-4714			PILLAI, NAMITHA	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/855,547	Applicant(s) SATO ET AL.	
	Examiner Namitha Pillai	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP

Publication No. 08-305531 (Nishiura Mitsuru), herein referred to as Mitsuru.

Referring to claim 1, Mitsuru discloses an agent display apparatus displaying a personified agent for making the agent selectively perform a process (Detailed Description, page 1, paragraph 8). Mitsuru also discloses a first interface controlling display of the agent and inputting a request from a user (Detailed Description, page 5, paragraph 42). Mitsuru discloses an action script database storing action scripts (Detailed Description, page 2, paragraph 14). Mitsuru discloses searching in the action script database for the action script describing a procedure of controlling the first interface in accordance with the request input from the first interface (Detailed Description, page 4, paragraph 39 and page 5, paragraphs 43 and 44). Mitsuru also discloses executing the action script searched and found by the agent manager (Detailed Description, page 5, paragraph 44).

Referring to claim 2, Mitsuru discloses including a demonstrating portion controlling the first interface and making the agent demonstrate an operation procedure (Detailed Description, page 5, paragraph 43 and 44).

Referring to claim 3, Mitsuru discloses that the first interface includes an agent displaying portion controlling an operation with a voice outputting portion outputting a voice output from the agent and a voice inputting portion inputting a voice of the user for extracting the request (Detailed Description, page 5, paragraphs 42 and 43).

Referring to claim 4, Mitsuru discloses a second interface controlling an application program, wherein the executing portion includes a control procedure executing portion executing a procedure of cooperatively controlling the first and second interfaces described in the action script, the first interface represented as the agent and the second interface presented as the CD playback interface, wherein the agent and the CD interface both work cooperatively (Detailed Description, page 3, paragraph 25).

Referring to claim 5, Mitsuru discloses accessing an electronic broadcast program list, this information being represented through the CD information that is disclosed, each CD representing a broadcast program (Detailed Description, page 4, paragraph 27). Mitsuru discloses extracting a program interesting the user with reference to the broadcast program list accessed by the accessing portion (Detailed Description, page 5, paragraph 43). Mitsuru also discloses including a controlling portion controlling the second interface for making the application program televise the program extracted by the extracting portion (Detailed Description, page 5, paragraphs 43-45).

Referring to claims 6 and 12, Mitsuru discloses acquiring and storing information on a program viewed by the user from the broadcast program list accessed by the accessing portion, and a program extracting portion extracting a keyword from the information on the program stored in the storing portion for extracting a program which interests said user in accordance with

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the extracted keyword with reference to the broadcast program list (Detailed Description, page 4, paragraph 27), wherein the unique CD identifier represents the current program along with the playback AP name which is the keyword that is used for extracting programming information, wherein this extraction process includes playing back the CD broadcast information.

Referring to claims 7 and 13, Mitsuru discloses an agent display method displaying a personified agent for making the agent selectively perform a process (Detailed Description, page 1, paragraph 8). Mitsuru also discloses controlling display of the agent and inputting a request from a user (Detailed Description, page 5, paragraph 42). Mitsuru discloses referring to an action script database storing action scripts (Detailed Description, page 2, paragraph 14). Mitsuru discloses searching in the action script database for the action script describing a procedure of controlling the display of the agent in accordance with the input request and executing the searched action script (Detailed Description, page 5, paragraphs 43 and 44).

Referring to claims 8 and 14, Mitsuru discloses that executing the action script includes the step of making the agent demonstrate an operation procedure (Detailed Description, page 5, paragraph 43 and 44).

Referring to claims 9 and 15, Mitsuru discloses controlling an operation of the agent for display, outputting a voice produced by the agent and inputting a voice from the user and extracting the request (Detailed Description, page 5, paragraphs 42 and 43).

Referring to claims 10 and 16, Mitsuru discloses executing the action script including the step of controlling an application program (Detailed Description, page 5, paragraphs 44 and 45).

Referring to claims 11 and 17, Mitsuru discloses accessing an electronic broadcast program list, this information being represented through the CD information that is disclosed,

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each CD representing a broadcast program (Detailed Description, page 4, paragraph 27).

Mitsuru also disclose extracting a program which interests the user with reference to the accessed broadcast program list, wherein the step of executing the action script includes the step of making the application program televise the extracted program (Detailed Description, page 5, paragraphs 43-45).

Referring to claim 18, Mitsuru discloses acquiring information on a program viewed by the user from the accessed broadcast program list, and extracting a keyword from the information on the accessed program for extracting a program which interests the user in accordance with the extracted keyword with reference to the broadcast program list, this information being represented through the CD information that is disclosed, each CD representing a broadcast program (Detailed Description, page 4, paragraph 27).

#### ***Response to Claim Changes***

2. The Examiner acknowledges Applicant's amendments to claims 1, 7 and 13 to better specify the claimed invention. However, all claims are rejected under 35 U. S. C. 102 as being previously disclosed in Mitsuru.

#### ***Response to Arguments***

3. Applicant's arguments filed 6/14/04 have been fully considered but they are not persuasive.

With respect to Applicant's arguments that Mitsuru does not disclose action script database storing action scripts. Mitsuru clearly discloses databases that hold the action events representing action scripts, wherein this database is accessed to determine the action events that

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has occurred and further information relating to this action event. See Detailed Description, page 2, paragraph 14.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, central FAX number (703) 872-9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed. Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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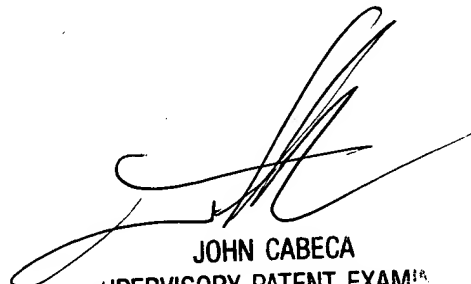
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai  
Assistant Examiner  
Art Unit 2173  
November 22, 2004



JOHN CABECA  
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